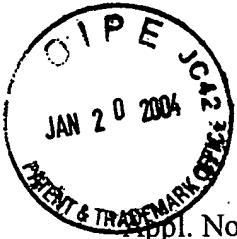


9200/2882



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/046,416 Confirmation No.: 3295
 Applicant : Arthur R. Telkamp et al.
 Filing Date : 10/19/2001
 Title : 1 X N OR N X 1 OPTICAL SWITCH HAVING A PLURALITY OF MOVABLE
LIGHT GUIDING MICROSTRUCTURES
 Group Art Unit : Not Assigned
 Examiner : Not Assigned
 Docket No. : 703427.6
 Customer No. : 34313

PETITION FOR WITHDRAWAL OF NOTICE OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)

MAIL STOP OFFICE OF PETITIONS
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicants hereby petition under 37 C.F.R. § 1.181(a) that the Notice of Abandonment
 for the above-referenced application be withdrawn, and that the application proceed to issuance
 on the grounds that the reply to the Notice of Missing Parts was timely filed by the Applicants
 and received by the Patent Office.

The Notice of Abandonment, mailed on 12/29/2003, a copy of which is attached as
 Exhibit "A," states that the application became abandoned due to the Applicants' failure to reply
 to the Notice to File Missing Parts ("Notice") mailed on 4/5/2002. The Notice required

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I have reasonable basis to expect that this paper (along with any referred to as being attached or enclosed) would be mailed from the United States Postal Service on the date indicated with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231

Date: January 14, 2004

DOCSOC1:146424.1
703427-6 M5S


 Name of Person Signing Document

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Applicants to submit both a declaration pursuant to 37 CFR § 1.63 and substitute drawings. The declaration and substitute drawings were submitted in reply by June 5, 2002. A copy of the return postcard, indicating that the full reply was received by the Patent Office on June 11, 2002, is enclosed as Exhibit "B." Copies of the transmittal and accompanying documents, which include the declaration and substitute drawings at issue, are attached as Exhibit "C." The transmittal indicates that the declaration and substitute drawings were attached, and also indicates that the reply was mailed by June 5, 2003.

The reply also included an assignment as indicated on the return postcard (Exhibit B) and transmittal (Exhibit C). A Notice of Recordation of Assignment, indicating receipt and recordation of the assignment by the Patent Office on June 11, 2003, is enclosed as Exhibit "D." This Notice of Recordation is further proof, in addition to the return postcard and transmittal, that the reply to the Notice of Missing Parts was received by the Patent Office on June 11, 2003.

Petition Fee

Applicants believe that no fee is due because this is a PTO error. If Applicants are incorrect in this regard, the Commissioner is authorized to charge Orrick, Herrington & Sutcliffe's Deposit Account No. 150665 for any petition fee due.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP



By _____

Mark Stirrat, Reg. No. 50,756
Attorney for Applicants

Date: January 14, 2004

4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
949/567-6700 Telephone
949/567-6710 Facsimile



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/046,416	10/19/2001	Arthur R. Telkamp	703427.6

CONFIRMATION NO. 3295

**ABANDONMENT/TERMINATION
LETTER**



OC000000011568556

34313
 ORRICK, HERRINGTON & SUTCLIFFE, LLP
 4 PARK PLAZA
 SUITE 1600
 IRVINE, CA 92614-2558

Date Mailed: 12/29/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/05/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

268/001
W.O.

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant: Arthur R. Telkamp et al.
Serial No.: 10/046,416
For: 1 X N OR N X 1 OPTICAL SWITCH HAVING A PLURALITY OF MOVABLE LIGHT GUIDING MICROSTRUCTURES
Filed: October 19, 2001

TRANSMITTAL OF MISSING PARTS

Attorney(s): David E. Wang
Docket No.: 268/001
Date of Deposit: June 5, 2002 via FIRST CLASS MAIL
Enclosure(s): Transmittal of Missing Parts; Declaration; Assignment with Recordation Form Cover Sheet; Power of Attorney; copy of Notice to File Missing Parts; Substitute Drawings (20 sheets); Return postcard



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